

## REMARKS

The present application was filed on November 22, 1999 with claims 1-23. Claims 1-23 are pending.

In the Office Action dated June 13, 2002, the Examiner rejected claims 1-23 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,317,784 (hereinafter "Mackintosh") in view of U.S. Patent No. 5,616,876 (hereinafter "Cluts").

In response to the Office Action, independent claims 1, 12 and 23 have been amended to further define the present invention, and are believed to be patentable over the cited references. More specifically, the independent claims have been amended to clarify that identification information is extracted from a wireless broadcast in response to a command entered at a wireless receiver, and that the identification information is extracted and stored without requiring any connection between the wireless receiver and an access point of a data network. Support for this portion of the amendment can be found in the specification at, for example, page 8, lines 3-12. The independent claims have been further amended to specify that the extracted identification information is subsequently delivered over the data network to a server for processing. Support for this portion of the amendment can be found in the specification at, for example, page 8, lines 13-23.

Dependent claims 7, 9, 10 and 13-22 have also been amended to provide consistency with the amended independent claims, and to correct errors of a typographical nature.

It is believed that the limitations of independent claims 1, 12 and 23 as amended are not met by the combined teachings of the Mackintosh and Cluts references. For example, the Mackintosh reference generally describes techniques for delivery of music over a data network such as the Internet, wherein a listener "receives the broadcast material and the program data via the Internet connection and plays it on his or her computer, workstation or other Internet terminal" (Mackintosh, column 3, lines 17-18). Similarly, Cluts is directed to an interactive network which provides music to subscribers. As stated in Cluts, "[e]ach consumer within a neighborhood node of the consumer system 14 is connected to the distribution network 16 via a subscriber drop cable 46 . . . connected to a set-top terminal 48 or set-top box . . . [which] allows the consumer to (1) receive program modules and programming information distributed by the headend system 12 and to (2) transmit requests or instructions to the headend system 12" (Cluts, column 8, lines 37-49).

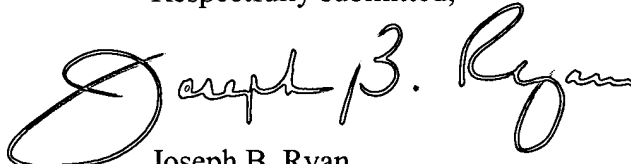
Accordingly, in view of the above remarks, withdrawal of the rejection of claims 1, 12 and 23 is respectfully requested.

Applicant respectfully traverses the rejection of claims 2-11 and 13-22. It is respectfully submitted that claims 2-11 and 13-22, which directly or indirectly depend from independent claims 1 or 12, are patentable for at least the reasons that claims 1 and 12 are patentable.

It is believed that claims 1-23 as amended herein are patentably distinct over the art of record and are in condition for allowance. In the event that the Examiner believes that a telephone conference or a personal interview may facilitate resolution of any remaining matters, the undersigned may be contacted at the number indicated below. In view of the foregoing remarks, early and favorable reconsideration of this application is respectfully requested.

Attached hereto is a marked up version of the changes made by the present amendment. The attached pages are captioned "Version with Markings to Show Changes Made."

Respectfully submitted,

A handwritten signature in cursive script that reads "Joseph B. Ryan". The signature is fluid and stylized, with the first name "Joseph" and last name "Ryan" clearly legible, and "B." in the middle.

Date: September 24, 2002

Joseph B. Ryan  
Attorney for Applicant(s)  
Reg. No. 37,922  
Ryan, Mason & Lewis, LLP  
90 Forest Avenue  
Locust Valley, NY 11560  
(516) 759-7517

VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

The paragraph beginning at page 3, line 6 has been amended as follows:

In accordance with the invention, identification information is extracted from a current broadcast of a piece [or] of music or other type of information of interest to a user, and stored in a memory or other storage device, in response to a user command. The identification information includes sufficient information to identify at least one deliverable information item associated with the current broadcast, e.g., a CD or MP3 file which contains the particular piece of music. Examples of such identification information in the case of a piece of music include artist, title, album name, label, source, date and time associated with the current broadcast of the piece of music. The identification information may be extracted from a compressed digital audio bitstream associated with the current broadcast.

The paragraph beginning at page 8, line 3 has been amended as follows:

FIGS. 3 and 4 are flow diagrams showing examples of [a] an extracted music information storing operation 300 and a purchasing operation 400, respectively. These operations may be implemented in the receivers 102, 202 described above. Referring to FIG. 3, the operation 300 is performed by a user in the field, i.e., away from an access point to a fixed wired or wireless network. In step 302, the user listens to a DAB receiver implemented in an automobile, portable stereo or other device. In step 304, the user hears music being broadcast that is of interest for potential purchase. The user in step 306 then initiates extraction and storage of corresponding music information in the manner previously described. The operation 300 may be repeated for any desired number N of pieces of music, as long as the total amount of extracted music information to be stored remains within the limits of the corresponding storage device.

The paragraph beginning at page 8, line 28 has been amended as follows:

It should be noted that the above-described embodiments of the invention are illustrative only. For example, the invention can be implemented in the form of other systems capable of automatically storing information regarding a broadcast upon user command, such that the information can be subsequently transmitted to a server or other source for use in conjunction with the purchase of a corresponding product or service. In addition, the invention can be used with other types of information, e.g., video or image information, data, etc., and with other types of communication systems, such as satellite based systems, Internet-based broadcasting systems, cable networks, etc. Furthermore, a variety of different electronic commerce techniques and configurations may be used to allow users to purchase music or other information previously transmitted via radio broadcast channel or other communication medium. These and numerous other alternative embodiments and implementations within the scope of the following claims will be apparent to those skilled in the art.

#### IN THE CLAIMS

1. (Amended) A method of providing information to a user, the method comprising the steps of:

storing identification information extracted from a current wireless broadcast which is being presented in a perceptible form to a user, in response to a command from the user, the command being entered at a wireless receiver, the identification information being extracted and stored without requiring any connection between the wireless receiver and an access point of a data network, wherein the identification information specifies sufficient information to identify at least one deliverable information item associated with the broadcast; and

subsequently delivering at least a portion of the extracted identification information over [a] the data network to a server which processes the [delivered] identification information to identify the at least one deliverable information item associated with the broadcast.

7. (Amended) The method of claim 1 wherein the identification information is extracted from a compressed digital audio bitstream associated with the current broadcast.

9. (Amended) The method of claim 1 wherein the extracted identification information is stored in a memory of [a] the wireless receiver which receives the current wireless broadcast.

10. (Amended) The method of claim 1 wherein the extracted identification information is stored in a removable memory device associated with [a] the wireless receiver which receives the wireless broadcast, and wherein the removable memory device is [removed] removable from the receiver and [inserted] insertable into another device which establishes a network connection for delivery of the identification information to the server over the data network.

12. (Amended) An apparatus for use in providing information to a user, the apparatus comprising:

a storage device connectable to a wireless receiver, for storing identification information extracted from a current wireless broadcast which is being presented in a perceptible form to a user, in response to a command from the user, the command being entered at the wireless receiver, the identification information being extracted and stored without requiring any connection between the wireless receiver and an access point of a data network, wherein the identification information specifies sufficient information to identify at least one deliverable information item associated with the broadcast, such that at least a portion of the [extracted] identification information is subsequently [delivered] deliverable over [a] the data network to a server which processes the [delivered] identification information to identify the at least one deliverable information item associated with the broadcast.

13. (Amended) The apparatus of claim [10] 12 wherein the current broadcast comprises a particular piece of music.

14. (Amended) The apparatus of claim [11] 13 wherein the deliverable information item associated with the broadcast comprises a compilation which includes the piece of music.

15. (Amended) The apparatus of claim [11] 13 wherein the deliverable information item comprises a disk-based storage medium having the piece of music stored thereon.

16. (Amended) The apparatus of claim [11] 13 wherein the deliverable information item comprises a downloadable file containing the piece of music.

17. (Amended) The apparatus of claim [11] 13 wherein the identification information comprises at least one of an artist, a title, an album name, a label identifier, a source identifier, a date, and a time associated with the current broadcast of the piece of music.

18. (Amended) The apparatus of claim [10] 12 wherein the identification information is extracted from a compressed digital audio bitstream associated with the current broadcast.

19. (Amended) The apparatus of claim [10] 12 wherein the identification information is automatically extracted and stored for a plurality of distinct broadcasts upon entry of a corresponding user command.

20. (Amended) The apparatus of claim [10] 12 wherein the [extracted identification information is stored in] storage device comprises a memory of [a] the wireless receiver which receives the current wireless broadcast.

21. (Amended) The apparatus of claim [10] 12 wherein the [extracted identification information is stored in] storage device comprises a removable memory device associated with [a] the wireless receiver which receives the wireless broadcast, and wherein the removable memory device is [removed] removable from the receiver and [inserted] insertable into another device which establishes a network connection for delivery of the identification information to the server over the data network.

22. (Amended) The apparatus of claim [10] 12 wherein the extracted identification information is delivered to the server over a network connection established over the Internet.

23. (Amended) An apparatus for use in providing information to a user, the apparatus comprising:

a wireless receiver having associated therewith a storage device for storing identification information extracted from a current wireless broadcast which is being presented in a perceptible form to a user, in response to a command from the user, the command being entered at the wireless receiver, the identification information being extracted and stored without requiring any connection between the wireless receiver and an access point of a data network, wherein the identification information specifies sufficient information to identify at least one deliverable information item associated with the broadcast, such that at least a portion of the [extracted] identification information is subsequently [delivered] deliverable over [a] the data network to a server which processes the [delivered] identification information to identify the at least one deliverable information item associated with the broadcast.